

REMARKS

The Examiner is again thanked for her careful attention to the present patent application. The claims have been amended via non-narrowing amendments to address the Section 112 rejections and objection. Also, the Examiner is thanked for withdrawing the rejections over Yoshida.

Applicants respectfully traverse the newly added rejections over the Saleeb and Porzio references, each in view of the Tate & Lyle reference. Both Porzio and Saleeb appear to be addressed towards a method of encapsulation whereby materials are encapsulated in a matrix, the matrix comprising an extruded mixture of saccharides. There is no teaching or suggestion in either of these references that a saccharide product is used to derivatize a higher-order saccharide. It is noted that the rejections purport to be Section 102 rejections, but multiple references are relied upon. This would seem to turn the rejections into Section 103 rejections. Nonetheless, whether considered as rejections under Section 102 or 103, neither the Saleeb nor the Porzio reference is at all relevant to the claims of the present application. These references are no more applicable than the Levine reference, which was previously considered by the Examiner.

In the absence of express teaching as to derivatization, the rejection of these references must be withdrawn. This is especially true with respect to the limitation as to a saccharide product comprising at least 50% glucose. Where are these teachings in the cited references? The Tate & Lyle reference provides nothing new from background information as to certain commercial products, and does not overcome the deficiencies in the principal references. If anything, the Tate & Lyle reference teaches away from this element because it teaches a mixture of lower-order saccharides.


With regard to the Okhuma rejection, in light of the failure of this reference to teach a starch hydrolyzate or a product including 50% dextrose as a starting material, the various claims of the present application are patentable over this reference. Contrary to the assertion in the Office Action, the nature of the starting material would have a profound impact on the resulting product. In light of Okhuma's failure to disclose the claimed starting material, the resulting product is indeed novel over the cited art.

The Examiner is referred to the prior Office Action with respect to the rejections over Meyers, Fouache, and Stahl. For the reasons stated therein, the rejections over these references are improper and must be withdrawn.

Respectfully submitted,

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